

1 OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
2 AMBER L. ROLLER, CA Bar No. 273354
amber.roller@ogletree.com
3 SHARDE T. SKAHAN, CA Bar No. 286157
sharde.skahan@ogletree.com
4 400 South Hope Street, Suite 1200
Los Angeles, CA 90071
5 Telephone: 213.239.9800
Facsimile: 213.239.9045

6 Attorneys for Defendant
7 KEURIG DR PEPPER INC.

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 KARINA NUNEZ, an individual,

12 Plaintiff,

13 v.

14 KEURIG DR. PEPPER, INC., a
15 Delaware Corporation; and DOES 1
through 50, inclusive,

16 Defendant.

Case No. 5:19-cv-00010

**DECLARATION OF AMBER L.
ROLLER IN SUPPORT OF
DEFENDANT KEURIG DR PEPPER
INC.'S NOTICE OF REMOVAL TO
THE UNITED STATES DISTRICT
COURT**

[Filed concurrently with Civil Cover Sheet;
Notice of Removal of Civil Action to United
States District Court; Certification of
Interested Parties; Corporate Disclosure
Statement; Declaration of Erkan Cetin in
Support of Removal]

Complaint Filed: November 29, 2018
Trial Date: None

21
22
23
24
25
26
27
28
Case No. 5:19-cv-00010

DECLARATION OF AMBER L. ROLLER IN SUPPORT OF DEFENDANT'S
NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

1 I, Amber L. Roller, hereby declare and state as follows:

2 1. I am an attorney duly licensed to practice before all of the Courts of the
3 State of California, and am a Shareholder with the law firm of Ogletree, Deakins,
4 Nash, Smoak & Stewart, P.C. (“Ogletree”), counsel of record for defendant Keurig
5 Dr Pepper Inc. (“KDP”) in this action. I am one of the attorneys primarily
6 responsible for handling the defense of this matter. I make this declaration in
7 support of KDP’s Notice of Removal to the United States District Court facts stated
8 herein are based on my own personal knowledge, and, if called as a witness, I could
9 and would competently testify as to the truthfulness of these facts.

10 2. On or about November 29, 2018, an action was commenced against
11 KDP by plaintiff Karina Nunez (“Plaintiff”) in the Superior Court of the State of
12 California, County of San Bernardino, entitled *Karina Nunez, an individual, v.*
13 *Keurig Dr. Pepper, Inc., a Delaware corporation; and Does 1 through 50, inclusive,*
14 Case No. CIV DS 1830926 (“Complaint” or “State Court Action”).

15 3. On or around December 3, 2018, Plaintiff served KDP with a copy of
16 the Complaint. A true and correct copy of the Complaint and the “Service of Process
17 Notice” issued to KDP’s registered agent for service are attached hereto as
18 **Exhibit 1.**

19 4. KDP filed its answer to the Complaint on January 2, 2019. A true and
20 correct copy of the Answer is attached hereto as **Exhibit 2.**

21 5. A trial setting conference has been set for April 24, 2019 in the Superior
22 Court. A true and correct copy of the Notice of Trial Setting Conference is attached
23 to this declaration as **Exhibit 3.** A Certificate of Assignment also was filed in the
24 State Court Action, a true and correct copy of which is attached to this declaration as
25 **Exhibit 4.** The documents in Exhibits 1-4 constitute all pleadings, process and other
26 documents that were filed in in the Superior Court of the State of California for the
27 County of San Bernardino, and received by and/or served by KDP in this action prior
28 to the filing of this Notice of Removal.

6. Attached as **Exhibit 5** to this declaration are true and correct copies of the following federal and state court decisions/verdicts:

- (a) *Olivares v. Dason*, No. CIVDS-13-00810, 2016 WL 1237910 (San Bernardino County Sup. Ct. Feb. 25, 2016);
- (b) *Vandervoort v. Fontana Unified Sch. Dist., et. al.*, No. CIVDS-12-06421, 2015 WL 5012830 (San Bernardino County Sup. Ct. Mar. 2, 2015);
- (c) *Berdnik v. Fontana Unified Sch. Dist.*, No. CIVDS-12-10595, 2015 WL 4183508 (San Bernardino County Sup. Ct. July 2, 2015);
- (d) *Boyd v. Delta Tech. Indus.*, No. CIVDS-12-00567, 2017 WL 8233669 (San Bernardino County Sup. Ct. Feb. 22, 2017);
- (e) *Leggins v. Rite Aid Corporation, et. al.*, No. BC511139, 2015 Jury Verdicts LEXIS 7889 (L.A. County Sup. Ct.);
- (f) *Haase v. Aerodynamics Inc.*, No. 2:09-cv-01751-MCE-GGH, 2009 WL 3368519 (E.D. Cal. 2009);
- (g) *Rhoton v. Ryder*, No. 982350, 2000 WL 1084569 (C.D. Cal. Feb. 10, 2000);
- (h) *Akers vs. County of San Diego*, No. 718187, 1999 WL 1938858 (Cal. Super. Ct. Nov. 8, 1999).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and this declaration was executed on January 2, 2019, at Los Angeles, California.

/s/ Amber L. Roller
Amber L. Roller

36848824.1